

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SEAN FOLTS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 09-cv-701-JPG
)	
DAVID R. HERNDON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

On September 28, 2009, Plaintiff moved this Court for voluntary dismissal of the action pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure (Docs. 3, 4). Voluntary withdrawal of his complaint is Plaintiff's right, and, accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. The Clerk shall **CLOSE THIS CASE**.

IT IS SO ORDERED.

Dated: October 6, 2009

s/ J. Phil Gilbert
U. S. District Judge